DOCUMENT RESUME

ED 388 433 PS 023 752

TITLE	New Hampshire Child Day Care Agency Licensing Rules.
INSTITUTION	New Hampshire State Public Health Services, Concord. Bureau of Child Care Standards and Licensing.
PUB DATE	Aug 91
NOTE	58p.; A portion is printed on colored paper.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*Certification; Child Health; Classroom Environment; *Day Care; Day Care Centers; Discipline Policy; Family Day Care; Instructional Materials; Nutrition; Parent Participation; Preschool Education; School Age Day Care; School Safety; Special Needs Students; State Legislation; *State Regulation; Toys
IDENTIFIERS	*New Hampshire; Waivers

ABSTRACT

This booklet contains rules and regulation that apply to the licensing and operation of child care agencies in New Hampshire. The main section contains rules and regulations that apply to all child care providers and agencies in regard to license application, waivers, license renewal, investigation procedures, hearings, health and safety, personnel, injuries and emergencies, field trips, special needs children, child care space, toys, equipment and learning materials, handwashing, nutrition, discipline, parent involvement, transportation, diapering and toileting among others. Separate sections list rules and regulations that apply to group child care centers, day care nurseries, family day care, school-age programs, night care agencies, and preschool programs. Two appendices provide information on suggested toys, equipment, and learning materials, along with examples of communicable diseases. (MDM)

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New Hampshire

Child Day Care Agency

Licensing Rules

PS 023752

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PART He-C 4002 N.H. CHILD DAY CARE AGENCY LICENSING RULES

He-C 4002.01 Definitions

(a) "Applicant" means "Applicant" as defined in RSA 170-E:2 I.

(b) "Bureau" means the Bureau of Child Care Standards and Licensing.

(c) "Child" means "Child" as defined in RSA 170-E:2 II.

(d) "Child day care" means "Child day care" as defined in RSA 170-E:2 III.

(e) "Child day care agency" means "Child day care agency" as defined in RSA 170-E:2 IV.

(f) "Child Care Personnel" means all staff, whether professional or non-professional, paid or volunteer, who are employed in the child day care agency.

(g) "Commissioner" means "Commissioner" as defined in RSA 170-E:2 V.

(h) "Corporal Punishment" means the infliction of bodily pain as a penalty for behavior disapproved by the punisher. Corporal punishment includes but is not limited to striking, shaking, shoving, spanking, pinching, twisting, kicking a child or other forms of aggressive contact; requiring or forcing a child to take an uncomfortable position such as squatting or bending, or requiring or forcing a child to repeat physical movements.

(i) "Corrective action plan" means "Corrective action plan" as defined in RSA 170-E:2 VI.

(j) "Daily Contact" means being in the presence of day care children for more than 1 hour per day, 5 days per week or for more than 5 hours per week.

(k) "Day care nursery" means "Day care nursery" as defined in RSA 170-E:2 IV (d).

(l) "Department" means "Department" as defined in RSA 170-E: 2 VII.

(m) "Division" means the Division of Public Health Services.

(n) "Dual licensure" means "Dual licensure" as defined in RSA 170-E:2 IV (h).

(o) "Family day care home" means "Family day care home" as defined in RSA 170-E:2 IV (a).

(p) "Family day care provider" means the individual in whose home family or family group day care is provided and who is responsible for the operation of the child day care agency.

(q) "Family group day care home" means "Family group day care home" as defined in RSA 170-E:2 IV (b).

(r) "Guardian means "Guardian" as defined in RSA 170-E:2 VIII.

(s) "Household Member" means any person residing in the home of an applicant for licensure as a child day care agency if the child day care agency will be located in that home.

(t) "License" means "License" as defined in RSA 170-E:2 IX.

(u) "Licensed Health Practitioner" means a physician, or a physician's assistant or nurse practitioner supervised by a physician.

(v) "Licensing Specialist" means a person employed by the Division who inspects child day care agencies for compliance with RSA 170-E and these rules.

(w) "Monitoring visit" means "Monitoring visit" as defined in RSA 170-E: 2 X.

(x) "Newly Established Child Day Care Agency" means a child day care agency which has not been in operation during the 12 consecutive months immediately preceding the date the application is received by the department.

(y) "Night care agency" means "Night care agency" as defined in RSA 170-E: 2 IV.(e).

(z) "Parent" means a father, mother, guardian, person or agency legally authorized to act on behalf of a child.

(aa) "Permit" means "Permit" as defined in RSA 170-E:2 XI.

(ab) "Pre-school program" means "Pre-school program" as defined in RSA 170-E: (2 IV.(f).

(ac) "Qualified Substitute" means a person who assumes the responsibilities of any child care personnel and who meets the age, education and experience requirements of the position for which they are substituting.

(ad) "Regularly" or "on a regular basis" means "Regularly" or "on a regular basis" as defined in RSA 170-E: 2 XII.

(ae) "Related" means "Related" as defined in RSA 170-E:2 XIII.

(af) "Sanitize" means to wipe down or wash with a solution of 1 tablespoon of chlorine bleach to 1 quart of water which is mixed fresh daily.

(ag) "School-age program" means "School-age program" as defined in RSA 170-E:2 IV (g).

(ah) "Special Needs Child" means a child who, because of temporary or permanent disabilities, requires individual assistance and consideration.

(ai) "Standard Analysis" and "Basic Sanitary Analysis" means 2 series of tests established by N.H. Department of Environmental Services, Laboratory Services Unit and specified in a brochure titled 'Laboratory Fee Schedules'. Further information about these tests is available by calling 271-3445.

(aj) "Structured Program" means a planned environment as evidenced by a statement of philosophy and program goals that are designed for the age groups served and implemented with attention to the needs and differences of individual children enrolled.

(ak) "Substitute Staff" means a person who meets the age requirements and assumes the responsibilities of any child care personnel on an emergency or temporary basis for not more than 30 consecutive days.

(al) "Supervision" means knowledge of and accountability for the activity and whereabouts of each child in care, the ability to see or hear children at all times and to provide immediate intervention to safeguard each child from harm.

(am) "Toileting" means to use the toilet or to assist a child in using the toilet.

He-C 4002.02 Inquiry. Inquiries concerning licensing of child day care agencies and requests for copies of these rules, application materials or assistance shall be made to the Bureau of Child Care Standards and Licensing, Division of Public Health Services, Department of Health and Human Services, 6 Hazen Drive, Concord, NH 03301.

He-C 4002.03 Application

(a) Application materials shall be mailed by the Bureau upon request and shall include:

(1) The N.H. Child Day Care Agency Licensing Rules.

(2) An application form which shall be completed in accordance with He-C 4002.03 (b) (1) through (20).

(3) A Child Care Personnel Health Form which shall be completed in accordance with He-C 4002.03 (c) (1) a. through i.

(4) A Household and Personnel List which shall be completed in accordance with He-C 4002.03 (c) (5) a. and b.

(b) All applicants for licensure shall complete and submit an application form to the department which shall include:

(1) The type of child day care agency license for which application is being filed.

(2) Whether the application is a new, renewal or revision application.

(3) The name, location address and phone number of the child day care agency.

(4) The mailing address of the child day care agency if different from location.

(5) The name of the applicant if different from the child day care agency's name.

(6) The phone number of the applicant if different from the child day care agency's phone number.

(7) The number of children and age range to be cared for.

(8) The months, days and hours of operation.

(9) The name, title, address and phone number of the officers of the organization, if incorporated.

(10) Non-profit status, if incorporated.

(11) The name, date of birth, and phone number of the agency director/provider.

(12) The qualifications of the agency director/provider including education and experience.

(13) Information regarding the agency director's/provider's previous child day care agency experience.

(14) Information regarding any criminal conviction or current investigation of any felony, misdemeanor, child abuse or neglect allegation against any applicant, agency director/provider, household members or child care personnel.

(15) The names and addresses of 3 personal references for the agency director/provider.

(16) The name, address, and phone number of a corporate reference for all residential group home and child care institution applicants.

(17) The signature of the applicant and the date signed.

(18) The signature of the agency director and the date signed, if different from (17).

(19) A diagram of indoor and outdoor child care space for all new applicants and for applicants for renewal or revision if there have been changes in the child care space.

(20) Applicants for renewal or revision shall so indicate if there have been no changes in the child care space.

(c) With the application the applicant shall submit to the department the following:

(1) A child care personnel health form or an equivalent record of physical examination for the applicant or agency director which shall include:

a. The name of the examinee.

b. Whether or not the examinee has any contagious illness or any other illness which would effect his or her ability care for children.

c. Evidence of a negative tuberculin test, or if positive, evidence of a follow-up with a chest roentgenogram and physician's evaluation.

d. Any conditions the examinee has which might require emergency care or frequent absenteeism.

e. Any limitations or restrictions which would affect the examinee's performance of child care responsibilities.

f. Any medications currently prescribed for the examinee.

g. Any evidence of current or previous alcohol or drug abuse by the examinee.

h. Any impairment of vision or hearing which might effect the examinees ability to care for children.

i. Any evidence of current or previous mental illness or emotional disorder which might effect the examinee's ability to care for children.

(2) Documentation that the child day care agency has been inspected and approved to operate as a child day care agency by a local health officer within the 12 months preceding the date the application for licensure as a child day care agency is received by the department, and which shall include:

a. The name and address of the child day care agency.

b. The name of the agency director/provider or applicant.

c. Whether or not the environment of the child day care agency meets the requirements specified in He-C 4002.13 (a) through (a1).

d. The signature of the health officer completing the inspection.

e. The name of the town in which the health officer has authority.

f. The date the child day care agency was inspected by the health officer.

g. Whether the health officer approves or does not approve the facility to operate as a child day care agency pursuant to RSA 170-E:6.

h. The maximum number of children the child day care agency can accommodate.

(3) Documentation that the child day care agency has been inspected and approved to operate as a child day care agency within the 12 months preceding the date the application for licensure as a child day care agency is received by the department, by the local fire department or the state fire marshall's office for compliance with the current State Life Safety Code as adopted by the state fire marshall, and which shall include:

a. The name, address, and phone number of the child day care agency.

b. The type of child day care agency.

c. The number and age range of children to be cared for.

d. Whether the fire inspector approves or does not approve the facility to operate as a child day care agency.

e. Any areas of non-compliance with the life safety code.

f. Any conditions or restrictions placed on the operation of the child day care agency by the fire inspector.

g. The signature of the fire inspector.

h. The date the child day care agency was inspected by the fire inspector.

i. The city or town in which the fire inspector has authority.

(4) Documentation from the applicable town or city that the child day care agency has been granted zoning approval or that no zoning approval is required, and which shall include:

a. The name and address of the child day care agency.

b. The name of the applicant.

c. Any zoning requirements or restrictions placed by the town or city regarding the existance of the facility.

d. The signature of an individual authorized by the town or city to sign documents regarding zoning , and date signed.

(5) A household and personnel list which shall list the name and address of the child day care agency and the following information for all household members and child care personnel 18 years of age and older:

a. Each individual's first and last name, middle initial, maiden name and previous married names as applicable.

b. Each individual's date of birth.

(6) Documentation of the education and experience of the agency director which shall include:

a. Copies of transcripts, certificates, diplomas, or degrees as applicable.

b. A resume and verification of previous experience if such experience is required to meet the qualifications for the position.

(d) Within 120 days of receipt of the application and the information described in He-C 4002.03 (C (1) through (5) the department shall examine the application, conduct a licensing inspection and shall approve or deny the application.

(e) Approval or denial of an application for licensure as a child day care agency shall be in accordance with RSA 170-E:7, III, and IV, and 170-E:12, I, through XIII, and the following:

(1) Denial of an application for licensure, in accordance with the provisions of RSA 170-E:7 IV shall occur if the corrective action plan is not approved by the department or if an investigation conducted by the department in accordance with department rules determines that the individual being investigated poses a present threat to the safety of children.

(2) Denial of an application for licensure pursuant to RSA 170-E:12 I through XIII shall occur when an applicant is in violation of one or more of the spcified provisions and when the department determines that such violation poses a health and safety risk to children.

(f) Additional reasons for denial of an application shall be as follows:

(1) Children have been removed from the applicant's custody because of abuse or neglect by the applicant;

(2) A petition is pending in a court against the applicant for charges of child abuse or neglect;

(3) There is an active investigation or open service case with the Division for Children and Youth Services which involves allegations of child abuse or neglect by the applicant, a household member, or child care personnel.

He-C 4002.04 Permit and License Issuance.

(a) Permits and licenses shall be issued in accordance with RSA 170-E:8, I, through IV.

(b) Permits shall be issued for a period not to exceed 6 months, and shall not be renewed except for good cause.

(c) Permits and Licenses shall include the following:

(1) The name of the applicant

(2) The name of the child day care agency

(3) The address where child day care agency will be located

(4) The type(s) of child day care agency for which license or permit is being issued

(5) The age range for each type of child day care agency for which license or permit is being issued.

(6) The maximum number of children for each type of child day care agency for which license or permit is being issued.

(7) Total capacity of the child day care agency

(8) The effective date and expiration date of the license

(9) Waivers approved, if applicable

(10) The signature of the director of the division

(11) The license number

He-C 4002.05 Waivers.

(a) Child Day Care Agencies that wish to request a waiver of a rule shall submit a written request to the department.

(b) The waiver request shall include:

(1) The rule(s) for which a waiver is requested.

(2) The anticipated length of time the requested waiver will be needed.

(3) The reason for requesting the waiver.

(4) How the waiver will provide for the health and safety of children.

(5) A time-limited written compliance plan which sets forth plans to achieve compliance including an estimated date of compliance.

(6) The number of and ages of children who will be affected by the requested waiver.

(7) The signature of the provider for family and family group day care homes, and the agency director for all other child day care agencies.

(c) Child day care agencies shall notify parents of children who will be affected by the requested waiver of the details of the waiver request as specified in (b) (1) through (6) above, and of their right to contact the bureau with any questions or concerns regarding the requested waiver.

(d) Evidence of parent notification shall be submitted to the bureau with the waiver request form and shall include:

(1) The signatures of parents on the waiver request form for family and family group day care homes

(2) A copy of a published or posted notice for all other child day care agency types.

(e) The department shall approve or deny a waiver request within 30 days of receipt of the request.

(f) The department shall approve a waiver request only if:

(1) The rule for which a waiver is being requested is not related to fire safety or environmental health or safety unless approved by the fire inspector or local health officer.

(2) The department finds that approval of the requested waiver will not jeopardize the health and safety of children.

(3) The department finds that approval of the requested waiver will not impair the child day care agency's ability to adequately care for children; and

(4) The department determines that the child day care agency's plan for compliance with the rule has set goals for compliance and includes an estimated date of compliance.

(g) The decision of the department to approve or deny a waiver shall be final.

He-C 4002.06 License and Permit Requirements. Licensees and permit holders shall comply with the following:

(a) The licensee or permit holder shall abide by the provisions specified on the license or permit as indicated in He-C 4002.04.

(b) The license or permit shall be displayed prominently in the child day care agency.

(c) The license or permit shall not be altered or transferred.

(d) A new application for a license shall be submitted when any of the following occur:

(1) There is a change in the location or ownership of the child day care agency during the term of a license or permit;

(2) The license has lapsed;

(3) There is a request for a change in the type of child day care agency;

(4) The licensee or permit holder has voluntarily surrendered a license or permit;

(5) The license or permit has been revoked.

(e) The licensee shall submit a new household and personnel list completed in accordance with He-C 4002.03 (c) (5) within 30 days of the employment of new child care personnel 18 years of age and older, or within 30 days of the date any person 18 years of age and older becomes a household member.

(f) The licensee or permit holder shall notify the Department in writing when there is a change in the name of the child day care agency.

(g) When there is a new agency director, the licensee or permit holder shall notify the department in writing and shall submit to the department the following:

(1) A child care personnel health form completed in accordance with He-C 4002.03 (c) (1) a through i.

(2) Documentation of the education and experience of the new agency director as specified in He-C 4002.03 (c) (6) a. and b.

He-C 4002.07 Renewal of License. The Department shall provide the licensee with a renewal application 6 months prior to the expiration date of the current license. No later than 3 months prior to the expiration date of the current license each child day care agency shall submit a completed application form and the materials specified in He-C 4002.03 (c) (1), (2), (3), and (5), and documentation of zoning approval as specified in He-C 4002.03 (c)(4) for the first renewal application submitted following the date these rules are adopted. The department shall approve or deny the application for renewal in accordance with He-C 4002.03 (d) through (f).

He-C 4002.08 Investigation Procedures - Reserved

He-C 4002.09 Revocation of a License or Permit

(a) Revocation of a license or permit in accordance with RSA 170-E:12 shall occur when a licensee or permit holder is in violation of one or more of the specified provisions and when the department determines that such violation poses a health or safety risk to children.

(b) If the department revokes a license or permit in accordance with He-C 4002.09 (a), due process shall be awarded to the licensee or permit holder pursuant to RSA 170-E:13 and RSA 541-A: 14 through 20.

(c) The department shall notify the parents of children being cared for in a child day care agency whose license has been revoked or refused that these actions have taken place so that the children can be removed from care in that child care agency.

He-C 4002.10 Re-hearings. Re-hearings to the Department shall be conducted in accordance with RSA 541.

He-C 4002.11 Disciplinary Action. The Department shall initiate action to prevent, restrain, correct, or abate any violation of these rules. Such action shall include solicitation of a plan of correction from the child day care agency, consultation with the agency, or a determination to revoke or refuse to renew a license or permit.

He-C 4002.12 Personal Characteristics of Licensee, Permit Holder and Child Care Personnel. The licensee, permit holder and child care personnel shall:

(a) Nurture, encourage and provide children with a variety of learning and social experiences appropriate to the age of each child;

(b) Ensure that children interact with each other and with caring adults in an environment that promotes learning through play;

(c) Communicate with parents and children to establish positive and productive relationships with families;

(d) Establish and maintain a safe, healthy learning environment;

(e) Maintain a commitment to professionalism and increase child care skills and competence through workshops, classroom training, independent study or on the job training through available resources on an annual basis;

(f) Establish rules for acceptable behavior of children in the child day care agency which are realistic, designed to promote cooperation and respect.

(g) Use the discipline practices referenced in He-C 4002.25.

(h) Provide supervision to the children in their care, except that in family and family group day care homes school age children shall be allowed to leave the supervision of child care personnel for limited time periods when the child's parents have given permission in writing which includes:

(1) the child's name;

(2) the date, specific destination and length of time for which permission is being given to leave the provider's supervision;

(3) the signature of the parent and date signed;

(4) the signature of the provider and date signed.

He-C 4002.13 Environmental Health and Safety. Child day care agencies shall be maintained in a neat, clean, and safe condition in accordance with the following:

(a) The environment shall be free of conditions hazardous to children, including but not limited to the following:

(1) electrical hazards, unshielded outlets, unprotected or overloaded extension cords;

(2) loose and flaking paint, friable asbestos as defined by RSA 141-E:2, VIII, or accessible lead substance as defined by RSA 130-A:1, VI;

(3) lack of handrails on stairways with 3 or more steps;

(4) knives, guns, ammunition or sharp objects accessible to children;

(5) holes in flooring, loose tiles or loose throw rugs;

(6) unsecured furnishings or other items that could fall on children; and

(7) open windows without screening.

(b) There shall be a supply of hot and cold water under pressure which shall be available for drinking and household use. Hot water used by children shall have an automatic control to maintain a temperature at the tap of at least 100 degrees fahrenheit, but less than 120 degrees fahrenheit.

(c) Water from a child day care agency's own independent on-site water supply source shall be tested by the Department of Environmental Services Water Supply and Pollution Control Division or by an independent water testing lab approved by the Department of Environmental Services, in accordance with the following:

(1) For child day care agencies that have fewer than 25 children and staff and have their own water supply source, testing parameters shall include a Standard Analysis for new applicants and a Basic Sanitary Analysis conducted on an annual basis thereafter.

(2) All child day care agencies that have 25 or more children and staff and have their own water supply source shall, in accordance with Env-Ws 300-399, enroll in the Department of Environmental Services Water Supply and Pollution Control Division's public water supply program.

(d) There shall be functional sewage disposal facilities. Any new or repaired system shall be in compliance with RSA 485-A and the Department of Environmental Services rules for the purpose for which the child day care agency is used. The system shall accommodate projected loading and shall not create a public health nuisance or hazard.

(e) Unprotected openings in the foundation or in the building shall be screened or covered to prevent rodents and insects from entering the child day care agency.

(f) All toxic materials such as cleaners, medicines, household chemicals and paint shall be clearly labeled, stored in original containers, separate from food items, in cabinets which are locked, secured with child proof latches or otherwise out of reach of children.

(g) The presence of pets in the child day care agency shall not present a hazard to the children. Dogs and cats shall have a current vaccination for rabies. Litter boxes shall not be kept in food preparation or service areas or where children play. Turtles, parakeets and parrot-like birds shall not be permitted in rooms occupied by children.

(h) All enclosed areas used by children shall have a means of ventilation, and shall be heated to maintain a temperature of not less than 65 degrees fahrenheit. Children shall be protected from heat sources which present a hazard.

(i) Smoking shall be regulated in accordance with RSA 155:66 III.

(j) All child care space shall be lighted to provide an average of 30 maintained foot candles of illumination.

(k) In child day care agencies operating a full day program, each child requiring a rest shall be assigned a sleeping bag, crib, cot, bed or mat with a sheet or blanket to put under and over the child.

(l) Cribs, cots, mats, beds or sleeping bags shall be spaced no less than 2 feet apart while in use.

(m) Sleeping bags, cots, mats, and blankets which are not stored so that sleeping surfaces do not touch shall be cleaned and sanitized before being re-used.

(n) Each child 12 months of age and under shall be assigned an individual crib or playpen.

(o) Cribs shall not be stacked.

(p) Cribs and playpens shall have no more than 2 3/8 inches between slats.

(q) The mattress shall fit the crib or playpen so that space between the mattress or playpen does not create a suffocation hazard.

(r) All bedding shall be cleaned at least once a week and more frequently if soiled.

(s) Outside play areas shall be free of hazards such as hidden areas, unprotected pools, wells, or steps, poisonous plants such as poison ivy, farm or lawn machinery or implements.

(t) Play areas adjacent to any street, road, river, pond or stream or on a roof or other dangerous areas shall be fenced.

(u) Fencing shall be designed to restrain young children from climbing out of, over, under or through the fence.

(v) The outside play area shall be maintained in a sanitary manner.

(w) Ground area under and extending at least 39 inches beyond the external limits of outdoor play equipment shall be constructed of an energy absorptive surface such as sand, barkmulch or soft wood chips of a depth of at least 8 inches or shall be covered by rubber mats manufactured for such use consistent with the guidelines of the Consumer Product Safety Commission.

(x) Sand, barkmulch and soft wood chips shall be checked and raked regularly to remove any foreign matter, to correct compaction and increase absorption.

(y) All swimming pools used as part of the day care operations shall be maintained in accordance with RSA 485-A:26 and the rules adopted thereunder and the following:

(1) No children shall be allowed inside the pool area or in the pool without adult supervision.

(2) Wading pools which are filled shall be supervised at all times when accessible to children, and shall be emptied on a daily basis.

(z) Garbage in child care space shall be placed in covered containers and removed when filled, or sooner, when contents create an odor or a health risk.

(aa) For child day care agencies operating more than 5 hours per day there shall be 1 toilet and 1 wash basin for every 15 children 2 years 9 months of age and older who are toilet trained. For child day care agencies operating 5 or fewer hours per day there shall be 1 toilet and 1 wash basin for every 20 children 2 years 9 months of age and older who are toilet trained.

(ab) Child day care agencies who serve children under 2 years 9 months of age shall comply with the following:

(1) Toilets shall not be required for infants 6 weeks to 17 months of age.

(2) For every 15 children 18 months through 2 years 8 months of age there shall be one wash basin and at least 1 child size toilet or adult size toilet with adaptor seat and there shall be additional child size toilets, adult toilets with adaptor, or potty chairs to meet a ratio of 1 unit for every 5 children.

(3) Potty chairs shall be located within easy access to a toilet and sink to allow child care personnel to empty the potty chair, and to allow handwashing after toileting without having to open doors or gates, or have physical contact with other children and shall not be in areas used for food preparation or service.

(4) Potty chair receptacles shall be emptied, cleaned and sanitized after each use.

(ac) If adult toilet and wash basin facilities are used by children under 5 years of age, stools or platforms shall be provided. The stools or platforms shall be easily cleaned and shall be designed so that they will not easily tip over.

(ad) Sinks, toilets, potty chairs and adapters shall be cleaned to remove visible dirt and sanitized on a daily basis.

(ae) Toilet paper, individual cloth or paper towels and soap from a dispenser shall be available to children and staff.

(af) Bathrooms shall have a means of outside ventilation.

(ag) Children's toothbrushes shall be kept in individual containers.

(ah) For child day care agencies serving diapered children and children who are not toilet trained there shall be an area designated for diaper changing which shall have a non-porous, washable surface which shall be washed and sanitized after each diaper change.

(ai) The diaper changing area shall be within close proximity to a handwashing sink, to allow the staff person to travel from the diaper changing area directly to the sink without having to open doors or have physical contact with other children.

(aj) The diaper changing area shall not be on surfaces where food is prepared or served.

(ak) All child day care agencies that prepare and serve meals to 13 or more children, except for family group day care homes, shall comply with He-P 2300.

(al) Family and family group day care homes and all other child day care agencies that prepare and serve meals to 12 or fewer children shall comply with the following:

(1) Food shall be free from spoilage, filth or other contamination and shall be stored in a clean dry location, protected from sources of contamination.

(2) Canned goods shall not be dented, bulging or rusted.

(3) Bulk foods not in their original containers shall be labeled.

(4) All perishable foods shall be stored at temperatures of 45 degrees fahrenheit or below in a refrigerator and at 0 degrees fahrenheit or below in a freezer.

(5) Refrigerators and freezers shall be clean, and shall be equipped with thermometers to assure that the above temperatures are maintained.

(6) Containers of food shall be stored at least 6 inches above the floor.

(7) Food items shall not be stored with non-food items which could contaminate food or be mistaken for food.

(8) Food contact surfaces shall be easily cleanable, smooth, free of cracks, breaks, open seams or similar difficult to clean imperfections

(9) Leftovers shall be wrapped or covered, dated, and shall not be held for more than 2 days.

(10) Frozen foods shall be thawed in accordance with He-P 2311.05.

(11) Sinks used for food preparation or for dishwashing shall not be used for handwashing.

(12) Dishes and cooking utensils shall be cleaned in a dishwasher or shall be washed manually in a clean detergent solution, and rinsed in hot water. Manually washed dishes shall be allowed to air dry.

He-C 4002.14 Child Care Personnel and Household Members Health Requirements

(a) For each adult who has daily contact with children, within 60 days of the date of hire or within 60 days of the date the household member is in daily contact with the day care children there shall be a record of physical examination on file at the child day care agency which shall be completed in accordance with He-C 4002.03 (c) (1) a. through i.

(b) The initial record of physical examination for new child care personnel or household members shall have been completed within the 12 months preceeding the date of hire or the date the person becomes a household member.

(c) Physical examinations for child care personnel and household members shall be repeated and a new record of physical exam shall be on file at the child day care agency every 3 years.

(d) Child care personnel who have symptoms of illness such as vomiting or diarrhea, combined with an oral temperature of 101° fahrenheit or higher shall be excluded from the child day care agency until they have received medical treatment which assures that they do not have a communicable disease or until they are symptom free.

He-C 4002.15 Child Health Requirements

(a) Documentation of immunizations shall be on file for each child on the first day the child is in attendance at the child day care agency in accordance with He-P 301.01 and RSA 141-C:20 and 21.

(b) A child health form or an equivalent record of physical examination shall be on file at the child day care agency for each child within 60 calendar days of the date of admission.

(c) The child health form or equivalent record of physical examination shall include the following:

(1) the name and address of the child;

(2) the date of the exam;

(3) a description of any health condition that may affect the child's participation in day care;

(4) history of significant illness and hospitalizations;

(5) immunization status;

(6) reports of any screening or assessment;

(7) if available, any significant observations of the parents or siblings health which might impact the health of the child;

(8) notations about the child's physical, mental and social development;

(9) the signature of a licensed health practitioner, and the date signed.

(d) Physical examination records for children shall be updated as follows:

(1) For children ages 5 and under, physical examinations shall be updated annually.

(2) For children ages 6 and older child day care agencies shall have on file a copy of the most recent physical examination record or physical examination update which is on file in the child's school provided the examination was completed within the past 2 years.

(3) A physical examination update shall include:

a. the child's name;

b. the child's date of birth;

c. the date of the examination;

d. any changes in the child's health status;

e. any special health considerations;

f. the signature of a licensed health practitioner and the date signed.

(e) Exemptions from immunizations shall be in accordance with RSA 141-C:20-c and He-P 301.

(f) No physical examination shall be required of a child in a child day care agency whose parents object thereto in writing on the grounds that such physical examination is contrary to his religious tenets and teachings.

(g). Child day care agencies shall not be obligated to admit children exempted in accordance with (f) above.

(h) Each child shall be observed by staff each day upon arrival and throughout the day for injuries and symptoms of illness such as more than 1 episode of vomiting in one day, or an oral temperature of 101° fahrenheit or higher combined with diarrhea, sore throat or vomiting or any other symptoms [are present] which impair or prohibit a child's participation in the regular child care program. When such symptoms are present the child's parents shall be informed so that they can make alternate arrangements for the child's care. The child shall be provided an opportunity to rest or an opportunity to do a quiet activity in a comfortable, private area until parents remove the child from the child day care agency.

(i) When no physician or health care provider is in attendance, reportable communicable diseases listed in He-P 301.01 (a), Appendix B, shall be reported to the Division of Public Health Services, Bureau of Disease Control in accordance with RSA 141-C 7.

(j) Child day care agencies shall not accept for care any child with a communicable disease until the child has received medical treatment and is no longer contagious.

(k) When a reportable communicable disease has been diagnosed among child care personnel or children in the child day care agency, the agency director shall notify all parents within 24 hours and shall display in a prominent location, a notice, which includes the name of the disease and common symptoms.

(l) The only exception to He-C 4002.15 (i)(j) and (k) is for Human Immunodeficiency Virus (HIV) Infection. The identity of any individual with HIV infection shall be held confidential in accordance with RSA 141:F:8

(m) Medication shall be stored and administered in accordance with the following:

(1) Child day care agencies shall not administer prescription medication to a child unless the medication is accompanied by written authorization from the parent and the written order of a licensed health practitioner.

(2) Child day care agencies may administer non prescription medication to a child only when the medication is accompanied by written authorization from parents.

(3) Non-prescription medication shall be administered in accordance with the instructions printed by the manufacturer, or in accordance with the written order of a licensed health practioner.

(4) Child Day Care Agencies shall not be obligated to administer medication.

(5) Medication shall not be administered unless it is in the original container and labeled with the name of the medication, dosage, name of the child and if a prescription, the name of the physician.

(6) Medication shall not be administered beyond the expiration date.

(7) The agency director or designee shall supervise the administration, records and control of all medications.

(8) Medications shall be stored in accordance with instructions for storage and in a location not accessible to children.

(9) Each dose of medication administered shall be recorded by the staff person responsible for administering the medication.

(10) Medication shall be administered from an infant feeding bottle only when instructed to do so by a licensed health practitioner.

He-C 4002.16 Injuries and Emergencies. Child day care agencies shall prevent and manage injuries and emergencies as follows:

(a) There shall be a telephone in the child day care agency.

(b) During all operating hours there shall be a staff member present in the child day care agency who is trained and currently certified in Cardiopulmonary Resuscitation and first aid. CPR Training shall include instruction in CPR and foreign body airway obstruction management for infants and children.

(c) First aid training shall include at the minimum the following:

(1) burns

(2) falls, including fractures

(3) head injuries

(4) poisoning

(5) cuts and bleeding control

(6) bites, human and animal.

(d) Copies of certifications and licenses shall be on file at the child day care agency.

(e) Parents shall be informed of all injuries which require treatment to their child on the date the child is injured, and when injury is more than a minor scrape or bruise as soon as possible after the injury occurs.

(f) On the date of the injury child care personnel shall record all injuries which require treatment to a child and all first aid provided to a child by child care personnel. Parents shall be given a copy of the record upon request.

(g) The record of injury and treatment shall be kept on file at the child day care agency, shall be available for review by parents and licensing specialists, and shall include:

(1) The name of the child.

(2) The date, time, and location of the injury.

(3) A description of how the child was injured.

(4) The names of any child care personnel who witnessed the incident.

(5) A description of the injury.

(6) A description of any first aid treatment provided.

(7) The name of the staff person who was supervising the child at the time of the injury.

(8) The time, and method by which the parent was notified.

(9) The signature of the person(s) who witnessed the accident and date signed.

(10) The signature of the staff person who was supervising the child at the time of the injury and date signed.

(11) The signature of the parent and date signed.

(h) The child day care agency shall have on the premises and on all field trips, as a minimum, the following first aid supplies stored in a portable container in a location that is easily accessible by staff, and out of the reach of children:

(1) Syrup of Ipecac or Activated Charcoal which shall be used only if advised to do so by a licensed health practitioner

(2) a thermometer

(3) 30 bandaids, assorted sizes

(4) 10 bandage compresses, assorted sizes.

(5) 2 packages of gauze roller bandage

(6) 1 triangular bandage

(7) 5 3-inch x 3-inch plain gauze pads

(8) 2 rolls of adhesive tape, any size

(9) 1 pair of tweezers

(10) a cold pack or ice cubes

(i) There shall be a written plan posted by the telephone detailing procedures for managing injuries and emergencies. Each staff member must be familiar with the plan.

(j) The emergency plan shall include the following:

(1) The location of first aid supplies.

(2) The location of child care registration and emergency information forms.

(3) The name, address and telephone number of the hospital to which children shall be taken in case of acute emergency when the parents cannot be contacted or delay appears dangerous.

(4) Telephone numbers for police, fire department, ambulance, rescue squad and the New Hampshire Poison Control Center.

(5) The procedures for recording accidents and injuries.

(6) The names and telephone numbers of emergency substitute staff.

(k) Fire drills shall be conducted at least once per month at varying times. A log shall be kept of the date, time, exits used, name of person conducting drill, problems encountered, and a plan for correcting those problems. The fire drill log shall be available for review by the fire inspector and by the licensing specialist.

He-C 4002.17 Attendance/License Capacity

(a) Child day care agencies shall keep daily attendance records which shall be available for review by the licensing specialist.

(b) Child day care agencies shall not exceed their license capacity unless they have received prior approval from the department.

(c) The maximum number of children in excess of the license capacity which shall be approved by the department shall not exceed:

(1) 2 children over license capacity in family day care homes.

(2) 4 children over license capacity in all other child day care agencies .

(d) Child day care agencies shall request prior approval from the department by telephone call or in writing.

(e) The department shall approve such requests if it finds that:

(1) The request to exceed the license capacity is for a total of 10 days or less.

(2) The child day care agency has submitted an approved corrective action plan for any health and safety violation previously cited.

(3) The child day care agency agrees to inform parents of all children who would be affected by the approval to exceed license capacity prior to accepting the extra child or children.

(4) Approval will not result in more than 4 children under 3 years of age in family or family group day care homes.

(5) Approval will not result in more than 6 full day children when 4 children are under 3 years of age in family day care homes.

(6) Approval will not result in health or safety risks to children.

He-C 4002.18 Child Registration and Emergency Information

(a) Before a child is admitted in the child day care agency, the agency director shall obtain and renew on an annual basis information from the parent, which shall be recorded on a child registration and emergency information form.

(b) A child registration and emergency information form shall include:

(1) The child's full legal name, date of birth, current address,home telephone number and date of enrollment;

(2) The name and address of the parent(s) responsible for the child;

(3) Telephone numbers or instructions as to how the parent(s) shall be contacted during the hours that the child is at the child day care agency;

(4) Names, addresses and telephone numbers of at least one person who will assume responsibility for the child if for any reason the parent(s) cannot be reached immediately in an emergency;

(5) Permission for emergency medical transportation and treatment;

(6) The name, address and telephone number of the child's physician or health care provider; and

(7) Names, addresses and telephone numbers of any person(s) other than parents who are authorized to remove the child from the agency.

(c) The child care registration and emergency information form shall also contain the following statements:

(1) "The licensing authority for this child day care agency is the Bureau of Child Care Standards and Licensing. Information regarding recent licensing and monitoring visits for this child day care agency is available by calling the Bureau at 271-4624 or 1-800-852-3345, extension 4624."

(2) "During licensing, monitoring, and complaint investigation visits to licensed child day care agencies , the department shall interview children regarding the care they receive at the child day care agency, if in the judgement of the licensing specialist the children's response would be valuable in determining the quality and level of care provided. If you do not want your child interviewed, or if you wish to be informed prior to your child being interviewed you shall provide a signed dated statement to the agency director indicating your preference." This statement shall be updated annually.

(d) At the start of any visit by the department, the agency director or designee shall provide the department with the statement described in He-C 4002.18 (c) (2) for each child whose parents have completed such statement.

He-C 4002.19 Field Trips

(a) Written permission shall be obtained from each child's parent(s) in advance if the child day care agency wishes to take the child off the premises.

(b) Written permission shall include the following for each trip:

(1) The name of the child day care agency;

(2) The location or destination of the trip;

(3) The date of the trip;

(4) The time of departure from the child day care agency;

(5) The time of return to the child day care agency;

(6) The signature of the parent and the date signed.

(c) A general permission slip which specifies all pre-approved trips shall be acceptable for routine or unplanned trips such as walks or errands provided that child care personnel shall inform parents of the destination and estimated time of return by phone call or by posting a notice at the child day care agency.

He-C 4002.20 Special Needs Children. When a child with special needs is cared for in a child day care agency, the agency director shall, on an ongoing basis, consult with the child's parents(s), physician, or other professional source providing services to the child, as designated by the parent, in order to obtain written instructions regarding the child's disability and methods of meeting the child's special needs.

He-C 4002.21 Child Care Space

(a) There shall be a minimum of 35 square feet of floor space per child. This space shall include all space regularly occupied by children for at least 25% of the regularly scheduled daily program hours except that hallways, lockers, wash and toilet rooms, isolation rooms, unheated rooms, cooking areas of the kitchen, closets and offices shall not be considered child care space.

(b) Day care nursery agencies shall be on the ground floor unless otherwise approved by the local fire authority.

(c) There shall be a private, quiet, comfortable area for children in case of emergency illness or when children need to be away from other children.

(d) There shall be a minimum of 50 square feet of outdoor play area for each child using the area at any one time.

(e) Child day care agencies with less than 50 square feet of outdoor play area for each child enrolled shall have a minimum of 50 square feet per child for 1/3 of the agency's licensed capacity, and shall assure that the number of children using the play area at any one time does not exceed the number there is actual square footage for at the rate of 50 square feet per child.

(f) Pre-school programs which offer gross motor activities on a daily basis shall not be required to have an outdoor play area

He-C 4002.22 Toys, Equipment and Learning Materials

(a) Age appropriate toys, equipment and learning materials shall be available and accessible to children in a quantity to allow each child to play, learn, and develop independently and cooperatively, physically, cognitively and socially, both indoors and outdoors.

(b) Toys, equipment and learning materials shall be of sufficient quality, quantity and variety to assure that children have the opportunity to experience large and small muscle, sensory, language, social and emotional activities. See Appendix A for suggested toys, equipment and learning materials.

(c) Toys, equipment and learning materials shall be safe, clean, and shall not consist of, be colored or covered by lead paint or any other poisonous material.

(d) Toy boxes shall be equipped with a safety lid support or shall not have a lid.

(e) Toys and toy parts small enough to be swallowed by a child shall not be available to children under 3 years of age.

(f) Toys or household accessories such as window shades that have strings or cords long enough to encircle a child's neck shall not be accessible to children.

(g) Coins, safety pins and other similar items shall not be available to children under 4 years of age.

(h) Pre-school children shall not be allowed to blow up balloons, and shall not have access to uninflated or under-inflated balloons.

(i) There shall be sturdy tables and chairs to provide for each child's comfort.

(j) Space for each child's possessions shall be provided.

He-C 4002.23 Handwashing

(a) Child Care Personnel shall wash their hands with liquid soap and warm running water as needed, and:

(1) after each diaper change;

(2) after each toileting;

(3) after wiping a runny nose; and

(4) before any food preparation or service.

(b) Children shall be encouraged to learn and practice proper handwashing techniques.

(c) Child Care Personnel shall assure that children wash their hands with liquid soap and warm running water as needed, and:

(1) after each toileting;

(2) before each meal or snack;

(3) after wiping or blowing their nose.

(d) Sinks used for food preparation or clean up shall not be used for handwashing after toileting or diaper changing.

He-C 4002.24 Nutrition

(a) Child day care agencies shall assure that meals and snacks shall meet the USDA daily meal patterns as set forth in Table 1 below.

Table 1

	CHILDREN 1 up to 3 yrs	CHILDREN 3 up to 6 yrs	CHILDREN 6 up to 12 yrs.
BREAKFAST			
MILK	1/2 cup	3/4 cup	1 cup
JUICE OR VEGETABLE	1/4 cup	1/2 cup	1/2 cup
BREAD OR BREAD ALTERNATE	1/2 slice	1/2 slice	1 slice
OR CEREAL	1/4 cup	1/3 cup	3/4 cup
LUNCH OR SUPPER			
MILK	1/2 cup	3/4 cup	1 cup
MEAT/POULTRY OR FISH OR	1 ounces	1 1/2 ounces	2 ounces
CHEESE OR	1 ounces	1 1/2 ounces	2 ounces
EGGS OR	1	1	1
PEANUT BUTTER OR	2 Tbls.	3 Tbls.	4 Tbls.
DRIED BEANS AND PEAS	1/4 cup	3/8 cup	1/2 cup
FRUITS (2 OR MORE) OR VEGETABLES (2 OR MORE) OR FRUITS & VEGETABLES TO TOTAL	1/4 cup	1/2 cup	3/4 cup
BREAD OR BREAD ALTERNATE	1/2 slice	1/2 slice	1 slice
OR ENRICHED PASTA & GRAINS	1/4 cup	1/4 cup	1/2 cup
SNACK			
SELECT 2 OF THE 4 COMPONENTS:			
MILK, WHOLE, SKIM, LOW-FAT	1/2 cup	1/2 cup	1 cup
FRUIT OR VEGETABLE OR JUICE	1/2 cup	1/2 cup	3/4 cup
BREAD/CEREAL OR BREAD ALT.	1/2 slice	1/2 slice	1 slice
OR ENRICHED PASTA & GRAINS	1/4 cup	1/4 cup	1/2 cup
MEAT OR POULTRY OR FISH OR	1/2 ounce	1/2 ounce	1 ounce
CHEESE OR	1/2 ounce	1/2 ounce	1 ounce
EGGS OR	1/2 egg	1/2 egg	1 egg
PEANUT BUTTER OR	1 Tbls.	1 Tbls.	2 Tbls.
DRIED BEANS AND PEAS	1/8 cup	1/8 cup	1/4 cup

(b) For child day care agencies who are not participating in the USDA food program, exceptions to He-C 4002.24 (a) shall be as follows:

(1) 2 servings of one fruit or vegetable shall be acceptable at lunch or supper.

(2) Fruit juice or water may be substituted for milk at snack, lunch or supper provided the required serving of milk shall be offered to the child at some other time during the day.

(c) Children shall receive meals and snacks based on hours of care in the child day care agency, in accordance with Table 2 and (1) through (4) below.

(1) No more than 3 hours shall elapse between snacks and meals offered to the children.

(2) Children who arrive at the child day care agency before school shall be served breakfast if they have not had breakfast at home.

(3) Children who arrive at the child day care agency after school shall be served lunch if they were not served lunch while at school and shall be served snacks if they arrive after attending a full day school program.

(4) Children shall be encouraged to learn and practice basic oral hygiene.

Table 2

Hours in Care	Minimum Meals/Snacks
12 hours per day	2 meals and 2 snacks
8 hours or more but less than 12 hrs.	1 meal and 2 snacks or 2 meals and 1 snack
4 hours or more, but less than 8 hours	1 meal and 1 snack
less than 4 hours	1 snack if child is in care 2 1/2 or more hours
8 - 10 hours of nighttime care	2 snacks or meals, depending on the scheduled time of attendance

(d) Child day care agencies shall issue a written list of nutritious items to each parent who supplies meals and snacks for their child.

(e) Child day care agencies shall have on hand a supply of food to provide snacks and meals to children whose parents do not provide food and shall supplement any foods brought by children which do not meet the nutritional value or quantity specified in He-C 4002.24 (a) and (b).

(f) Child day care agencies shall not be required to provide hot meals.

(g) Child day care agencies may, if eligible, participate in the N.H. Department of Education USDA Child Care Food Program for reimbursement of food expenses which may allow them to reduce costs to parents.

(h) Children with food allergies or other medical conditions requiring special diets shall be served such foods as recommended by their physician in writing.

(i) Children who require special diets for religious or philosophical reasons, shall be served such foods in the amount and variety authorized by the parents in writing.

(j) Individual eating utensils shall be provided for each meal and snack. All re-usable eating and drinking utensils shall be washed after each use. Disposable eating and drinking utensils shall be disposed of after 1 use, and shall not be re-used.

(k) Written menus that meet the guidelines established in He-C 4002.24 (a) and (b) shall be planned on a weekly basis and shall be posted where parents can see them.

(l) Individual feeding schedules shall be followed for children who have not reached a developmental level which enables them to eat on schedule.

(m) Food shall be cut into small pieces, according to the child's chewing and swallowing capability. Round firm foods such as whole slices of hot dogs, grapes, hard candy, nuts, popcorn, raisins, and spoonfuls of peanut butter, shall not be offered to children under 2 years of age.

(n) For infants 6 months of age and younger, unless medically contraindicated, child day care agencies shall serve breast milk, provided by the child's mother, or formula mixed and served according to manufacturer's instructions.

(o) Children under 2 years of age shall not be served low fat or non fat milk, unless authorized in writing by a licensed health practitioner.

(p) Milk and formula shall be stored in accordance with the following:

(1) Prepared formula or breast milk shall be used immediately or stored in the refrigerator no longer than 48 hours.

(2) Any excess milk or formula shall be discarded after each feeding.

(3) Opened containers of prepared formula shall be dated, labeled, covered and stored in the refrigerator no longer than 48 hours.

(4) Infants who are unable to sit in feeding chairs shall be held while being fed.

(q) No bottles shall be propped at any time and no child shall ever be fed in a crib, or while on rest cots, mats, sleeping bags etc.

(r) Self feeding shall be encouraged.

(s) Solid foods shall be introduced to infants and toddlers in accordance with physician's recommendation or as specified by parents.

He-C 4002.25 Discipline

(a) Discipline practices shall support the child's behavior with positive guidance as well as the setting of clear cut limits which foster the child's own ability to be self-disciplined.

(b) Discipline shall include consequences which shall be related to the misbehavior and enforced as soon as possible after the misbehavior has occurred.

(c) Corporal punishment shall not be used.

(d) Child day care agencies shall not use forms of punishment which are humiliating, shaming, frightening or otherwise damaging to children.

(e) Child day care agencies shall not withhold or threaten to withhold food from children as a means of discipline, nor shall children be forcibly fed or disciplined for not eating.

(f) Children shall not be shamed, humiliated or disciplined for toileting accidents.

(g) Child day care agencies shall not use isolation as a form of discipline.

(h) Children shall not be required to rest as a form of discipline nor shall they be punished for not sleeping at nap or rest time.

He-C 4002.26 Rest and Sleep

(a) Child care personnel shall consult with the parents of each child and shall observe children on an ongoing basis to determine each child's resting or napping needs.

(b) Child day care agencies shall provide children who are in attendance for between 4 and 5 hours with a rest period of at least 10 minutes during which children can sit quietly or lie down to rest.

(c) Child day care agencies shall provide children who are in attendance for more than 5 hours with an opportunity for at least 1 hour of rest, relaxation or sleep depending on the needs of each child.

(d) Child day care agencies shall accommodate the individual sleeping patterns of infants and children who are unable to adjust to a scheduled nap or rest time.

(e) Children who are able to adjust to a scheduled nap or rest time shall have the flexibility to fall asleep and awaken at their own pace within a block of time set aside as nap or rest time.

(f) Children who do not fall asleep after 30 minutes shall be given an opportunity to do a quiet activity.

(g) There shall be individual cribs, playpens, beds or mats appropriate to the age of the child. These shall be used for limited periods of quiet play not to exceed 30 minutes and for sleeping.

(h) The sleeping area shall be supervised at all times.

He-C 4002.27 Parent Involvement

(a) Child day care agencies shall not prohibit parents of enrolled children from unannounced access to their child during all hours of operation. This shall include the observation of their child while the child is involved in daily activities with other children and their care givers.

(b) Child day care agencies shall develop procedures for on-going communication with the parents of each child regarding their child's progress. Conferences with parents shall be scheduled upon parent's request.

He-C 4002.28 Transportation

(a) Child day care agencies providing transportation, shall be responsible for the supervision of each child between the place of pick-up and

the child day care agency and from the time the child leaves the child day care agency until delivered to a parent or to a person designated by the parent.

(b) Any vehicle operated by a child day care agency shall be registered and inspected in accordance with the laws of the State of New Hampshire.

(c) The operator of any vehicle used to transport children shall be at least 18 years of age and shall hold a valid license to operate such vehicle.

(d) Vehicles used to transport children shall be maintained in safe operating condition and shall be clean and free of obstructions on the floors and seats.

(e) No child shall be permitted to remain in any vehicle unattended.

(f) Children shall not be loaded or unloaded except from the curb side of the vehicle and at the curb.

(g) Any vehicle used for transportation of children shall be provided with operable door locks.

(h) The doors of such vehicle shall be opened and closed by an adult.

(i) The doors shall be kept locked at all times while the vehicle is moving.

(j) Child day care agencies shall limit the number of persons transported in any vehicle to the number the vehicle is designed to carry.

(k) Child day care agencies shall not transport children under 5 years of age in a vehicle exempted under RSA 265:107-a, II (a) & (b).

(l) Age appropriate child restraints or seatbelts shall be provided for and used by each child in accordance with RSA 265:107-a. 1.

(m) Clear and concise written authorization shall be established between the child day care agency and the parent for any child traveling to and from a school and the child day care agency unaccompanied by a parent or a person designated by the parent.

(n) The written authorization shall include the following:

(1) The name of child;

(2) The means of travel, such as walking, school bus, or private car;

(3) The method of notification by a parent to the child day care agency regarding absences and changes of scheduled arrivals or departures;

(4) The method of notification by the child day care agency to the parent when a child does not arrive at the child day care agency as scheduled;

(5) The signature of the parent, the signature of the child day care agency representative and the date signed.

He-C 4002.29 Diaper Changing and Toileting. Child day care agencies serving children who are not toilet-trained shall manage diaper changing and toilet training in a sanitary manner in accordance with the following:

(a) Diapers from a commercial diaper service or disposable diapers shall be required.

(b) Home laundered cloth diapers may be used when disposable diapers are contraindicated in writing by a licensed health practitioner, and a commercial diaper service is not available.

(c) Children in diapers shall be washed and dried with disposable, single use articles such as baby wipes, or water moistened soft paper towels during each diaper change.

(d) Children in diapers shall be checked at least every 2-3 hours and diapers and clothing shall be changed if soiled or wet.

(e) Children shall not be left unattended on the designated diaper changing surface.

(f) Child day care agencies shall insure that each parent supplies diapers and clean clothing to meet their child's needs.

(g) Child day care agencies shall provide a supply of diapers, clean clothing and sheets for emergencies.

(h) Child care personnel shall wash their hands with liquid soap and warm, running water after each toileting or diaper change.

(i) Children who have begun toilet-training shall be encouraged to learn and practice proper handwashing techniques.

(j) Child care personnel shall wash an infant's hands if they become soiled during the diapering process.

(k) Soiled disposable diapers and cleansing articles shall be immediately placed in a plastic bag lined, foot activated receptacle, which shall not be accessible by children. The plastic bag containing the soiled diapers shall be removed daily, securely closed, and placed outside in covered garbage cans for collection or removal at regular intervals. The foot activated receptacle shall be cleaned and sanitized daily.

(l) Cloth diapers when allowed in accordance with He-C 4002.29 (a) and (b) shall be placed immediately in an individual plastic bag which shall be securely closed, and returned to the parent at the end of each day, or shall be handled in accordance with written instructions from the commercial diaper service.

(m) Toilet training shall be conducted in accordance with a plan developed by the child's parents and child care personnel.

(n) Toilet training shall be individualized and never forced.

He-C 4002.30 Group Child Day Care Center

(a) Group child day care centers shall conform to He-C 4002.01 through He-C 4002.30. Any child day care agency calling itself nursery school, kindergarten, learning center, progressive school, Montessori School, or using school in its name or advertisement shall meet pre-school program requirements as set forth in He-C 4002.35.

(b) Child care personnel shall comply with the following education and experience requirements:

(1) Documentation of education and experience, such as, transcripts, certificates, degrees, a resume, and letters of reference, shall be on file at the child day care agency.

(2) Workshops, non-credit courses, and in-service training outside of the classroom, which is presented by an instructor who has at least a bachelors degree in the subject area in which they are teaching, shall be acceptable as comparable credits in a ratio of 12 hours equals 1 credit.

(3) An agency director shall be responsible for the daily operation of the child day care agency, have a minimum of 1000 hours experience working with children in a licensed child day care agency and have at least 1 of the following:

a. A minimum of an associates degree in early childhood education.

b. A child development associates credential in center based infant/toddler or pre-school programs.

c. A bachelors degree in education.

d. Certification from the American Montessori Institute.

e. 2 years of post-secondary education including a minimum of 12 credits in early childhood education or human growth and development.

f. Current employment as an agency director in a New Hampshire licensed child day care agency on July 24, 1990 and 5 years experience in the position of agency director.

g. Current employment as an agency director in a New Hampshire licensed child day care agency on the date these rules are adopted, and evidence that prior to July 24, 1990 the department approved the agency director's education and experience as equivalent to an associates degree in early childhood education.

(4) A teacher shall possess a high school diploma and at least 1 of the following:

a. 12 college credits in early childhood education including 3 credits in human growth and development.

b. A minimum of 3 calendar years, working at least 20 hours per week, of supervised child care experience in a child day care agency, with written recommendation from a qualified agency director plus 6 college credits in early childhood education or human growth and development.

c. 144 hours of workshops, courses or in-service training hours outside of the classroom with at least 36 of these hours in human growth and development and the remainder in early childhood education.

d. Current employment as a teacher in a New Hampshire licensed child day care agency on July 24, 1990 and 5 years experience in the position of teacher.

(5) A child care worker shall be at least 18 years of age and shall have at least 1 of the following:

a. 6 college credits in early childhood education, which shall include 3 credits in human growth and development.

b. A minimum of 1 year, working at least 20 hours per week, of supervised child care experience in a child day care agency, with written recommendation from the agency director, plus 3 college credits in early childhood education or documentation of enrollment in a 3 credit course.

c. A high school diploma with a 2 year vocational child care course.

d. 72 hours of workshops, courses or in-service training outside of the classroom with at least 12 of these hours in human growth and development and the remainder in early childhood education.

e. Current employment as a child care worker in a New Hampshire licensed child day care agency on July 24, 1990 and 5 years experience in the position of child care worker.

(6) Child care assistants or aides, whether paid or volunteer shall be at least 16 years of age, and shall work with children only under the direct supervision and observation of an agency director, teacher or child care worker as defined in this section.

(c) An agency director or qualified substitute shall be on the premises for at least 2/3 of each day's operating hours. For the remaining 1/3 of the day there shall be a staff person designated to take the place of the agency director, who meets at least the minimum qualifications of child care worker. The agency director shall designate a substitute who shall be present during any unplanned or emergency absence of the agency director.

(d) 1 out of every 8 child care personnel who are required to be on the premises to meet minimum staff to child ratios shall meet the minimum qualifications of a teacher.

(e) Staffing for group child day care centers shall be based on the minimum staff to child ratios specified in Table 3 below:

TABLE 3

AGE OF CHILDREN	NO. OF CHILDREN PER GROUP	NO. OF STAFF PER GROUP	MAX. NO. OF GROUPS PER ROOM
36 months to 47 months .	8	1	3
48 months to 59 months	12	1	2
60 months and older	15	1	2

(f) There shall be no less than 2 child care personnel on the premises when 11 or more children are present.

(g) When there are mixed ages in the same group, the child day care agency shall base the staff to child ratio on the average age of the children in the group.

(h) The daily schedule of program activities shall be posted and information about specific curriculum plans shall be available, including:

(1) Regular activities which include time for meals, supplements, sleep, and indoor and outdoor play appropriate to the developmental needs of the children.

(2) A balance of quiet and active opportunities for play and enough flexibility to meet the needs of individual children.

(3) Opportunities for self-expression in conversation, imaginative play and creative activities, both individually and with other children.

He-C 4002.31 Day Care Nursery

(a) Day care nurseries shall conform to He-C 4002.01 through He-C 4002.29, He-C 4002.30 (b) and (c) and He-C 4002.31. Any child day care agency calling itself nursery school, kindergarten, learning center, progressive school, Montessori school or using school in its name or advertisement shall meet pre-school program requirements as set forth in He-C 4002.35.

(b) Staffing for day care nursery child day care agencies shall be based on the staff to child ratios specified in Table 4 below:

Table 4

AGE OF CHILDREN	NO. OF CHILDREN PER GROUP	NO. OF STAFF PER GROUP	MAX. NO. OF GROUPS PER ROOM
6 wks. to 12 mos.	4	1	3
13 mos. to 24 mos.	5	1	3
25 mos. to 35 mos.	6	1	3

(c) There shall be no less than 2 child care personnel on the premises when 5 or more children are present.

(d) The minimum age of infants admitted to the child day care agency shall be 6 weeks. A child day care agency may accept children under 6 weeks of age for a limited time not to exceed 12 hours per week per child.

(e) When there are mixed age groups in the same room, the child day care agency shall base the staff to child ratio on the average age of the children in each group. The maximum number for a mixed age group shall be 16 children.

(f) Children under 24 months of age shall not be included in groups of children over 47 months of age, however, when there are no more than 6 preschool and 3 school age children present, up to 2 children under the age of 19 months may be mixed with children of any age, provided there are not more than 3 children under the age of 3 years present.

(g) There shall be a staff member assigned to each group of children between 6 weeks and 18 months of age. This staff member shall have the primary responsibility for meeting the emotional and physical needs of the children for the majority of the time the children are in care.

(h) Physical needs such as diapering, toileting, feeding, sleeping, washing and first aid shall be given prompt attention by staff.

(i) Child care personnel shall engage in frequent, one-to-one, face-to-face interactions with infants and toddlers and shall speak to them frequently using a pleasant, soothing voice, simple language and eye contact.

(j) A daily schedule for children 19 months of age and over shall be posted with information about specific program activities for any given day, including indoor and outdoor play. Staff shall maintain individual record systems for each child under 19 months of age which shall be available to parents, and which shall include notations about the childs eating, sleeping, toileting, play and learning experiences at the child day care agency.

(k) Children shall have a variety of experiences and activities which stimulate their physical, intellectual and emotional growth.

(l) Infants and toddlers shall have the opportunity to experience daily indoor and outdoor activities, music, stories, physical activity games, and activities which allow them to develop manual dexterity, such as finger plays.

(m) The schedule shall allow opportunities for quiet individual play, small and large group activities.

(n) Rooms shall be organized so that children shall have opportunity to practice the wide range of movements appropriate to their developmental level.

He-C 4002.32 Family and Family Group Day Care Home

(a) Family and family group day care homes shall conform to He-C 4002.01 through He-C 4002.29 and He-C 4002.32. Any child day care agency calling itself nursery school, kindergarten, learning center, progressive school, Montessori School, or using school in its name or advertisement shall meet pre-school program requirements as set forth in He-C 4002.35.

(b) Family and family group day care home child care personnel shall comply with the following:

(1) A family day care provider shall be at least 18 years of age.

(2) Individuals between the ages of 18 and 21 shall have successfully completed a child care curriculum approved by the Department of Education.

(3) A family day care worker shall be 18 years of age or older.

(4) A family day care aide shall be 16 years of age, or older, and whether paid or volunteer shall work in the child day care agency under the supervision of the provider at all times.

(c) If the provider is engaged in other employment during the hours in which he or she is not providing family or family group day care services, the duration and physical demands of such employment shall not interfere with his or her ability to provide family or family group day care services.

(d) A family or family group day care provider, worker, assistant or aide shall not provide family or family group day care services for more than 12 hours in any 24 hour period .

(e) There shall be a plan for provider absences which shall indicate whether it is the provider's responsibility or the parent's responsibility to make alternate child care arrangements during provider absences. Parents of children attending the child day care agency shall be notified of this plan.

(f) The minimum age of infants admitted to child day care agencies shall be 6 weeks. Child day care agencies may accept children under 6 weeks of age for a limited time not to exceed 12 hours per week per child.

(g) In a family day care home, 1 provider may care for any 1 of the following groups of children which shall include the providers own children, foster and resident children up to 10 years of age when they are present during day care hours:

(1) 6 pre-school children and 3 children enrolled in a full day school program provided that no more than 3 children shall be under 36 months of age of which no more than 2 shall be under 19 months of age.

(2) 5 pre-school children and 3 children enrolled in a full day school program provided that no more than 4 children shall be under 36 months of age of which no more than 2 children shall be under 24 months of age.

(3) 4 children under 36 months of age or 4 children of any age.

(h) In a family day care home 1 provider and 1 family day care worker or aide may care for 6 pre-school children and 3 children enrolled in a full day school program, provided that no more than 4 children shall be under 36 months of age. This shall include the provider's own children, foster and resident children when they are present during day care hours.

(i) In a family group day care home, 1 provider and 1 family day care worker or aide may care for 12 pre-school children and 5 children enrolled in a full day school program, provided that no more than 4 children are under the age of 36 months. This shall include the provider's own children, foster and resident children up to the age of 10 years when they are present during day care hours.

(j) In family and family group day care homes, the daily schedule shall ensure that the program provides for:

(1) Time for meals, supplements, sleep, toileting and indoor and outdoor play;

(2) A balance of quiet and active opportunities for play and flexibility to meet the needs of individual children;

(3) Opportunities for individual self-expression in conversation, imaginative play and creative activities;

(4) Each child to develop the ability to care for himself by participating in such activities as preparing meals, taking out or putting away materials and caring for his clothing and bedding.

He-C 4002.33 School-age Program

(a) School-age programs shall conform to He-C 4002.01 through He-C 4002.29, and He-C 4002.33, except that family day care homes that choose to serve up to 9 school-age children, and family group day care homes who choose to serve up to 17 school-age children shall be exempt from the requirements in this section.

(b) School-age program personnel shall comply with the following education and experience requirements:

(1) Documentation of education and experience such as transcripts, certificates, degrees, resume, and letters of reference shall be on file at the child day care agency.

(2) Workshops, in-service training and non-credit courses which are presented by instructors who have at least a bachelors degree in the subject area in which they are teaching shall be acceptable as comparable credits in a ratio of 12 hours equals 1 credit.

(3) An agency director shall be responsible for the daily operation of the child day care agency, shall have a high school diploma and at least 1 of the following:

a. An associates degree in early childhood education.

b. A child development associates credential in center based infant/toddler or preschool programs.

c. A bachelors degree in education or recreation.

d. Certification from the American Montessori Institute and 1,000 hours experience working with children.

e. 12 credits in early childhood education, human growth and development, education or recreation, plus 1,000 hours of experience working with children.

f. 2,000 hours of experience working with children.

(4) A teacher shall shall have a high school diploma and at least 1 of the following:

a. 12 credits in early childhood education, human growth and development, education or recreation.

b. 1,000 hours of experience working with children.

c. 144 hours of workshops, courses or in-service training outside of the classroom with at least 36 of these hours in early childhood education or human growth and development and the remainder in the field of education or recreation.

(5) A child care worker shall have a high school diploma.

(6) A child care assistant or aide, whether paid or volunteer, shall be at least 16 years of age and shall work with children only when under the supervision and observation of an agency director, teacher or child care worker as described in this section.

(c) For programs operating 5 or fewer hours per day, an agency director or qualified substitute shall be on the premises during all operating hours. For programs operating more than 5 hours per day during school vacations and holidays, an agency director or qualified substitute shall be on the premises for at least 2/3 of the day's operating hours. For the remaining 1/3 of the day there shall be a staff person designated to take the place of the agency director, who meets at least the minimum qualifications of a child care worker. The agency director shall designate a substitute who shall be present during any emergency absence of the agency director.

(d) 1 out of every 8 child care personnel who are required to be on the premises to meet minimum staff to child ratios shall meet the minimum qualifications of a teacher.

(e) Staffing requirements for the child day care agency shall be 1 staff person for every group of 15 children.

(f) There shall be no more than 2 groups of children per room.

(g) There shall be no less than 2 child care personnel on the premises when 13 or more children are present.

(h) Child day care agencies holding licenses with multiple child day care agency types combining school age program with either day care nursery, pre-school program, or group preschool center that intend to serve nine or more school age children shall provide a separate space for the school age children. Eight or fewer school age children may be combined with children four years of age and older.

(i) Child day care agencies shall develop and post a daily program schedule which shall include the following:

(1) Opportunities for children to help in planning their own activities;

(2) Time for structured and unstructured play, both indoors and outdoors;

(3) Opportunities for active and quiet activities;

(4) Opportunities for individual and group experiences, both child initiated an staff directed.

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He-C 4002.34 Night Care Agency

(a) Licensed child day care agencies intending to provide night care services shall comply with the rules for the particular child care license issued.

(b) Children attending a night care agency shall not remain in the agency for more than a total of 12 hours in any 24 hour period except in an emergency.

(c) Scheduling shall reflect basic and individual needs such as relaxation, meals, play, and sleep.

(d) Night care agencies shall provide for privacy and separation by gender for bathing, toileting and sleeping for school age children.

(e) Each child shall have a separate bed or crib with a mattress and clean bedding.

(f) Sleeping arrangements shall be such that children who stay all night are not disturbed by the departure or arrival of those who stay only a portion of the night.

(g) Each child shall be dressed in comfortable sleepwear provided by the parents.

(h) There shall be a private quiet area available for school age children to do homework assignments.

He-c 4002.35 Pre-School Program

(a) Pre-school programs shall conform to He-C 4002.01 through He-C 4002.29, He-C 4002.30 (b) through (g) and He-C 4002.35.

(b) A written statement of philosophy shall be posted and provided to parents upon request.

(c) The statement of philosophy shall indicate how the program shall nurture and encourage children and provide them with a variety of learning and social experiences appropriate to their age.

(d) The curriculum shall be tailored to suit the individual needs and interests of children, and shall provide a variety of hands on activities to:

(1) foster positive self concept;

(2) develop social skills;

(3) encourage children to think, reason, question, and experiment;

(4) encourage language development;

(5) enhance physical and emotional development;

(6) demonstrate sound health, safety, and nutritional practices;

(7) encourage creative expression and appreciation for the arts through activities such as brush painting, finger painting, use of play dough, dancing, movement activities, creative dramatics, musical activities such as singing, playing musical instrument;

(8) develop respect for cultural diversity by celebrating holidays for various cultures and cooking and serving foods from various cultures;

(9) give children a number of educational options through various activities, and assure their choices are respected;

(10) modify the environment, schedule and activities when necessary to provide for a special needs child.

(e) A schedule shall be posted which reflects a daily balance of activities in the following areas:

(1) quiet and active;

(2) individual, small group and large group;

(3) gross motor and fine motor;

(4) child initiated and staff initiated.

(f) Staff shall be flexible enough to change planned or routine activities, and to follow the needs and interests of children.

(g) Conferences between child care personnel and parents shall be held at least once each year and at other times, as needed, to discuss children's progress, accomplishments, and happenings that may affect children at home and at the program.

(h) There shall be a period of rest or relaxation of at least 10 minutes for programs greater than 4 hours in length.

APPENDIX A

SUGGESTED TOYS, EQUIPMENT AND LEARNING MATERIALS

(a) Infants and Young Toddlers

(1) Crib side activity toys, mobiles, music boxes, wind chimes or bells, washable rubber toys, rattles, nesting and stacking blocks, large pop-it beads, stuffed animals, dolls and push-pull toys.

(b) Older Toddlers and Pre-School Children

(1) Housekeeping and dramatic play materials, creative and craft materials, language materials, manipulative materials and active play materials and equipment such as ride on toys and climbing equipment.

(c) School Age Children

(1) Recreation and sports equipment, creative and craft materials, books, records, tapes, games and manipulative materials.

APPENDIX B

CHAPTER He-P 300 DISEASES

PART He-P 301 COMMUNICABLE DISEASES

He-P 301.01 Definitions

(a) "A Reportable disease" means:

Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection
Amebiasis (Entameoba histolytica)
Anthrax (Bacillus anthracis).
Botulism (Clostridium botulinum)
Brucellosis (Brucella sp.)
Campylobacteriosis (Campylobacter sp.)
Chickenpox (Varicella)
Chlamydial Infection (Chlamydia trachomatis),including chlamydial Pelvic Inflammatory Disease (PID), pneumonia, conjunctivitis, cervicitis, and urethritis.
Cholera (Vibrio Cholerae)
Diphtheria (Corynebacterium diphtheriae)
Encephalitis and Meningoencephalitis
Food Poisoning
Giardiasis (Giardia lamblia)
Gonorrhea (Neisseria gonorrhoeae). including Gonococcal Ophthalmia Neonatorum, Gonococcal Pelvic Inflammatory Disease (Pid, and Disseminated Gonococcal Disease
Guillain-Barre Syndrome (GBS)
Haemophilus influenzae infection, including meningitis, epiglottis, otitis media
Hepatitis, Viral: A,B, Non-A Non-B, Delta, Unspecified
Influenza A and B; Flu-like Illness
Legionellosis (Legionella.Sp.)
Leprosy (Mycobacterium leprae)
Listeriosis (Listeria monocytogenes)
Lyme Disease (Borrelia burgdorferi)
Malaria (Plasmodium.sp.)
Measles (Rubeola)
Meningitis:
  Aseptic
  Bacterial (other than Neisseria meningitidis and Haemophilus influenzae
  Fungal including Cryptococcal
Meningococcal Disease (Neisseria meningitis)
Mucopurulent Cervicitis
Mumps

Non-gonococcal Urethritis (NGU)
Pelvic Inflammatory Disease, Unspecified
Pertussis (whooping cough, Bordetella Pertussis)
Pneumocystis Pneumonia (Pneumocystis carinii)
Poliomyelitis
Psittacosis (Chlamydia psittaci)
Rabies in Humans and Animals
Rocky Mountain Spotted Fever; Typhus Fevers
Rubella, including Congenital Rubella Syndrome
Salmonellosis (Salmonella sp.)
Shigellosis (Shigella sp.)
Syphilis (Treponema pallidum)
Syphilis Syndrome
Tetanus (Clostridium tetani)
Toxic-Shock Syndrome(TSS)
Trichinosis (Trichinella spiralis)
Tuberculosis Disease and Infection
(Mycobacterium tuberculosis)
Tularemia (Francisella tularensis)
Typhoid Fever (Salmonella typhi)

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